

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 542/2000

Tuesday the 1st day of August, 2000.

CORAM

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Smt. I.C.Mariamamma,
Extra Departmental Branch Postmaster
Vakkad P.O., Kottayam.

Applicant

By advocate Mr. P.C.Sebastian

Versus

1. The Senior Supdt. of Post Offices
Kottayam Division
Kottayam.
2. The Director General of Posts
Department of Posts
Dak Bhavan
New Delhi.
3. Union of India represented by its Secretary
Ministry of Communications
Department of Posts
New Delhi.

Respondents

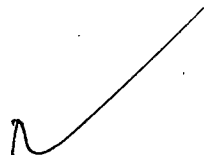
By advocate Mr.T.A.Unnikrishnan, ACGSC

The application having been heard on 1st August, 2000,
the Tribunal on the same day delivered the following:

O R D E R


HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

Applicant who is working as Extra Departmental Branch Post Master, Vakkad P.O. applied for a transfer to the post of EDBPM, Mediri P.O. in Palai Sub Division in preference to outsiders in the light of the instructions contained in the letter of Director General of Posts dated 12.9.88. Her request was not acceded to. Finding that the respondents have issued A-1 notification dated 24.4.2000 calling for applications to fill up the post from open market, the applicant has filed this application seeking to have the A-1



notification quashed, declaring that she is entitled to be considered for appointment by transfer as Extra Departmental Branch Post Master, Mediri in preference to outsiders in terms of A-5 instructions contained in the letter of Director General of Posts dated 12.9.88 and the decision of the Tribunal in OA 45/98 and to direct the first respondent to consider her for appointment by transfer as EDBPM, Mediri P.O. in preference to outsiders.

- o 2. Respondents in the reply statement contend that as per the extant instructions, transfer can be given to ED Agents only in the case of abolition of post or to accommodate people who are redeployed on account of surplus. They also contend that as Vakkad P.O. is in Vaikom Sub Division and Mediri P.O. is in Palai Sub Division, the applicant's request cannot be acceded to.

- o 3. We have heard the learned counsel on either side. Considering identical contention, the Tribunal has held in OA 45/98 that as per Director General of Posts' letter dated 12.9.88, a working ED Agent if eligible and qualified can be appointed on another ED post falling vacant in the same office or in the same place, without being sponsored by employment exchange and without being put to competition with outsiders. The Director General of Posts has clarified that same place means same recruiting unit. For EDBPM/EDSPM, Division is the Recruiting Unit. Both the post offices in question here are situated in the same Division. Therefore, the contention of the respondents that the applicant is not entitled to be considered for transfer is untenable.
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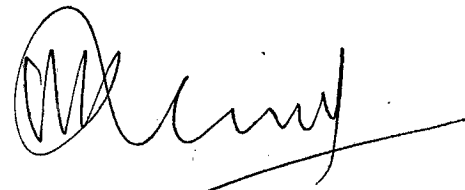
4. In the light of the decision in OA No.45/98 which has not been set aside or modified by any higher forum, we are of the considered view that there is no merit in the contention of the respondents.

5. In the light of what is stated above, the application is disposed of directing the respondents to consider the applicant for appointment by transfer to the post of EDBPM, Mediri along with other EDAs, if any, who had similarly applied for transfer. We also direct that recruitment to the post in question may be resorted to only if the applicant or other EDAs who have applied are not eligible to be appointed to the post. No costs.

Dated 1st August, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

aa.

Annexures referred to in this order:

- A-1: True copy of notice in Memo No.B6/Mediri dated 24.4.2000 issued by 1st respondent.
A-5: True extract of letter No.43-27/85-Pen(EDC&TRG) dated 12.9.88 issued by the 2nd respondent.